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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. CR 10-0348 MHP
14 Plaintiff,)
15 v.)
16 CARLOS ASPRILLA,)
17 Defendant.)
18

**[PROPOSED] ORDER EXCLUDING
TIME FROM FEBRUARY 28, 2011 TO
MARCH 14, 2011**

19 The parties appeared before the Honorable Marilyn Hall Patel on February 28, 2011 for a
20 status conference. With the agreement of counsel for both parties and the defendant, the Court
21 found and held as follows:

22 1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C.
23 § 3161, from February 28, 2011 to March 14, 2011. Failure to grant the requested continuance
24 would unreasonably deny defense counsel reasonable time necessary for effective preparation,
25 taking into account the exercise of due diligence and the need for defense counsel to conduct
26 legal research related to possibly appealing the denial of the defense motion to suppress
27 evidence.

28 2. Given these circumstances, the Court found that the ends of justice served by

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1 excluding the period from February 28, 2011 to March 14, 2011, outweigh the best interest of the
2 public and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C.
3 § 3161(h)(7)(A).

4 3. Accordingly, and with the consent of the defendant, the Court ordered that the period
5 from February 28, 2011 to March 14, 2011, be excluded from Speedy Trial Act calculations
6 under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). In addition, the Court held that time is properly
7 excluded during the pendency of the defendant's motion to suppress. *See* 18 U.S.C.
8 § 3161(h)(1)(D).

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10 IT IS SO STIPULATED.

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12 DATED: February 28, 2011

/s/
DEBORAH LEVINE
Counsel for Carlos Asprilla

14

15 DATED: February 28, 2011

/s/
BRIAN C. LEWIS
Assistant United States Attorney

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18 IT IS SO ORDERED.

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21 DATED: 3/3/2011



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